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LNV Corporation

UNITED STATES DISTRICT COURT  
DISTRICT OF OREGON  
PORTLAND DIVISION

LNV CORPORATION, a Nevada  
corporation,

Plaintiff,

v.

DENISE SUBRAMANIAM,

Defendant.

Case No. 3:14-cv-01836-MO

PLAINTIFF'S RESPONSE  
MEMORANDUM IN OPPOSITION  
TO DEFENDANT'S MOTION  
FOR MEDICAL CONTINUANCE

Plaintiff LNV Corporation ("LNV") hereby responds to the Motion for Medical Continuance filed by defendant Denise Subramaniam ("Defendant"). For the reasons set forth below, LNV opposes Defendant's motion for a 120-day continuance of all deadlines in this case and requests that the Court deny Defendant's motion or, at minimum, evaluate the factual basis for Defendant's request prior to the entry of an order granting any extension.

1- PLAINTIFF'S RESPONSE MEMORANDUM  
IN OPPOSITION TO DEFENDANT'S MOTION  
FOR MEDICAL CONTINUANCE

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## DISCUSSION

Defendant has moved the Court for an order that extends all deadlines in this case for 120 days, citing medical difficulties. This is the latest in a series of last-minute extension requests by the Defendant. Distressingly, in making the present request, she makes inaccurate statements to the Court that raise questions as to the legitimacy of the request.

Defendant already has been granted three extensions of time in this case — LNV twice stipulated to extend the time for Defendant to file a responsive pleading and also stipulated to extend the deadline for completion of discovery and filing of dispositive motions. Unfortunately, Defendant's latest request, coming on the eve of her current deadline to file a responsive pleading, leads to concern about the pattern of delay that has developed in this case. Further concerns exist as to the justification for Defendant's newest motion, including evidentiary support, and LNV is troubled by misstatements of fact in Defendant's motion.

For example, Defendant suggests that the previous stipulated motions were entered into by LNV as an accommodation for Defendant's medical condition. This is not true. LNV previously stipulated to extend the time for Defendant to file a responsive pleading and to extend the deadline for completion of discovery and filing of dispositive motions as a courtesy to Defendant, who is appearing *pro se*. LNV neither reviewed nor considered any medical records purportedly provided by Defendant when considering her requests for extensions of time. In fact, in requesting an extension of time to file a responsive pleading, Defendant told counsel for LNV that she had suffered a computer failure and would not be able to timely file her answer.<sup>1</sup>

Further concern arises from the fact that, in both prior instances where Defendant has requested an extension of time to file a pleading, the request has come on the eve of a deadline. Previously, counsel for LNV has promptly responded to Defendant, even agreeing to draft and file each stipulated motion based on Defendant's representation that she would become a

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<sup>1</sup> Defendant also indicates that her "response to LNV's response to her response to LNV's complaint" was due on March 3. LNV assumes that Defendant is referencing her reply in support of her motion for judicial notice, which was actually due on March 2.

registered user of the Court's electronic filing system.<sup>2</sup> To date, Defendant has not fulfilled her promise to do so.

The pattern of delay is problematic. Further, Defendant's motion provides no assurance that, even if a 120-day extension is granted, Defendant will not continue with delay tactics later, including a new request on the eve of any extension the Court may grant.

This is a straightforward judicial foreclosure case. Defendant has not made a payment on the loan in years and the loan was accelerated in 2012. The material facts underlying the foreclosure are not at issue, continued delays make little sense and this pattern of delay has no legitimate justification.

Equally as troubling is Defendant's evidentiary support for her most recent motion. Defendant states that "spinal surgery is recommended" but provides no date for her surgery nor any indication that surgery is imminent. Moreover, the awkward wording of Defendant's only proffered evidence, a purported letter from her doctor, itself raises concerns regarding authenticity. The letter, addressed to Defendant, states that the doctor writes to "advise you [presumably, the addressee, Defendant] the above named patient is currently under my care." Is the doctor advising Defendant herself that she is under his care? That presumably would be self-evident. Combined with the lack of logo office letterhead, this raises questions as to the letter's authenticity. At minimum, the letter offered as Exhibit A is hearsay and unsupported by a physician affidavit, and LNV should be afforded the opportunity to ascertain that it is genuine, particularly since the doctor's office did not submit an affidavit.

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<sup>2</sup> Defendant called counsel for LNV on March 2 and also sent an email. Counsel for LNV was out of the office on March 2 but sent a letter via email and U.S. mail to Defendant on March 3 indicating that LNV would oppose any motion for an extension of time.

## CONCLUSION

LVN appreciates the reality of a genuine medical issue. Nevertheless, given the scant evidence proffered by Defendant in support of her motion and the Defendant's pattern of delay in this case, LVN respectfully requests that the Court deny Defendant's request for a 120-day extension or, at minimum, grant only a short extension so that the factual basis for the request can be evaluated prior to the entry of an order granting any further extension.

DATED: March 4, 2015

**PERKINS COIE LLP**

By: /s/ Gabrielle D. Richards

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**CERTIFICATE OF SERVICE**

I certify that I will serve the foregoing **PLAINTIFF'S RESPONSE MEMORANDUM IN OPPOSITION TO DEFENDANT'S MOTION FOR MEDICAL CONTINUANCE** on Defendant, Denise Subramaniam at 13865 SW Walker Rd., Beaverton, OR 97005 by depositing a copy in the U.S. Mail in a sealed postage-prepaid envelope with the United States Postal Service at Portland, Oregon on March 5, 2015.

DATED: March 4, 2015

/s/ Gabrielle D. Richards

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